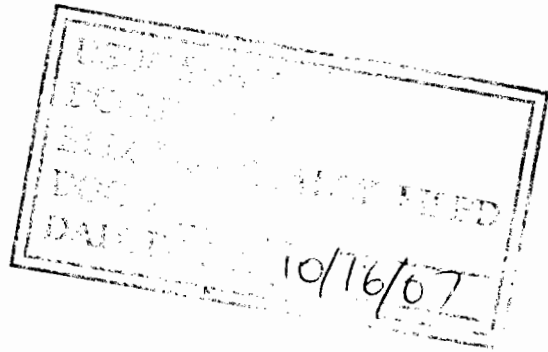


MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ANNA E. ARREOLA
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One St. Andrew's Plaza
New York, New York 10007
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	<u>STIPULATION AND ORDER</u>
	:	<u>OF SETTLEMENT AND</u>
v.	:	<u>DISMISSAL</u>
	:	
\$5,169.00 IN UNITED STATES	:	07 Civ. 4096 (AKH)
CURRENCY,	:	
	:	
Defendant-in-rem.	:	
-----X	:	

WHEREAS, on or about December 1, 2006, police officers from the Town of Ramapo Police Department ("RPD") seized \$5,169.00 in United States currency (the "DEFENDANT CURRENCY") from the residence of Wayne A. Richards ("Richards"), located in Montebello, New York;

WHEREAS, the Drug Enforcement Administration ("DEA") subsequently initiated administrative forfeiture proceedings against the DEFENDANT CURRENCY by serving notice of the action and advertising the seizure;

WHEREAS, Richards (the "Claimant") thereafter filed a claim with the DEA opposing forfeiture;

WHEREAS, in light of the administrative claim, the

United States of America commenced this action, on or about May 25, 2007, by filing a verified complaint, pursuant to 21 U.S.C. § 881(a)(6), seeking forfeiture of the DEFENDANT CURRENCY, on the ground that the DEFENDANT CURRENCY constitutes moneys furnished or intended to be furnished for a controlled substance, proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange;

WHEREAS, on or about May 29, 2007, notice of the complaint was sent to Claimant's attorney, Mitchell P. Schecter, Esq., at 250 Route 59, Spring Valley, New York 10977;

WHEREAS, on or about June 28, 2007, the Claimant, through his attorney, Mitchell P. Schecter, filed a verified answer to the complaint;

WHEREAS, notice of the verified complaint and in rem warrant against the Defendant Currency was published in the New York Law Journal on July 20, 2007, and proof of such publication was filed with the Clerk of this Court on September 26, 2007;

WHEREAS, notice of this action was also published in the Wall Street Journal in each of three successive weeks, beginning on February 26, 2007; and

WHEREAS, the Claimant is the only person known by the Government to have an interest in the DEFENDANT CURRENCY, and no other parties have filed a claim in this action;

WHEREAS, the Claimant entered into a plea agreement

with the Rockland County District Attorney's Office, in the case of People of the State of New York v. Wayne Richards, 06-53250, pursuant to which he agreed to forfeit his entire interest in the DEFENDANT CURRENCY and withdraw his claim in this federal forfeiture action;

WHEREAS, the parties have mutually agreed that the forfeiture action of the DEFENDANT CURRENCY should be resolved on the terms and conditions set forth herein;

IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Michael J. Garcia, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Anna E. Arreola, and Wayne A. Richards, Claimant, by and through Claimant's attorney Mitchell P. Schecter, Esq., that:

1. Claimant shall withdraw his claim to the entire sum of DEFENDANT CURRENCY, consisting of \$5,169.00 in United States currency, and that sum shall be and hereby is forfeited to the United States.

2. Claimant is hereby barred from asserting, or assisting others in asserting, any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the U.S. Attorney's Office for the Southern District of New York ("SDNY-USAO"), the United States Marshals Service ("USMS"), the DEA, the RPD, the Rockland County District Attorney's Office

("Rockland County DA's Office"), or any agents and employees of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the RPD, or the Rockland County DA's Office, in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT CURRENCY, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the DEFENDANT CURRENCY, that the Claimant is a prevailing party, or that the Claimant is entitled to attorney's fees or any award of interest.

3. Claimant represents that he is the sole owner of the DEFENDANT CURRENCY and agrees to hold harmless the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the RPD, the Rockland County DA's Office, as well as any and all employees, officers, and agents of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the RPD, and the Rockland County DA's Office, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT CURRENCY, including but not limited to any third-party claims of ownership of the DEFENDANT CURRENCY.

4. Claimant hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf

of the Claimant, Plaintiff or any of their respective agents, officers or employees, past and present. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of the claim and defenses asserted respectively by the Plaintiff and the Claimant.

6. Each party shall bear its own costs and attorney fees.

7. This action is hereby dismissed with prejudice
and without costs or disbursements.

Agreed and consented to:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Anna E. Arreola
ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2218

10/15/07
DATE

WAYNE A. RICHARDS
Claimant

By: Mitchell P. Schecter
MITCHELL P. SCHECTER, ESQ.
ATTORNEY FOR WAYNE A. RICHARDS
250 Route 59
Spring Valley, New York 10977

10.12.07
DATE

SO ORDERED: 10.15.07

Alvin K. Hellerstein
HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK